# United States Patent and Trademark Office

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/707,900 | 01/22/2004 | James Edward Christensen | YOR920040019US1 | 1899 |

7590     09/10/2007

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| EXAMINER |
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| ART UNIT | PAPER NUMBER |
|---|---|
| 2616 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 09/10/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | | Application No. | Applicant(s) |
|---|---|---|---|
| **Office Action Summary** | | 10/707,900 | CHRISTENSEN ET AL. |
| | | Examiner | Art Unit | |
| | | Mark A. Mais | 2616 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on _09 August 2007_.

2a) ☐ This action is **FINAL**.     2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) _28-31 and 35_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _28-31 and 35_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 28-31 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by

Barber et al. (USP 6,088,435).

3. With regard to claim 28, Barber et al. discloses a service for determining a

communication connection for a caller **[telephone networking service, Abstract]**

comprising the method steps of:

receiving a communication connection request from said caller, wherein said

communication connection request does not identify a called party and only identifies

said caller **[caller calls into 800 or 900 number, col. 3, lines 62-66; Fig. 1; caller does**

**not know the identity or the telephone number of the called party, col. 5, lines 61-**

**63]**;

obtaining *real-time* context information for said caller **[caller can enter a profile,**

**col. 3, lines 19-31 (i.e., an interest such as business or technical expertise); caller can**

enter preferences, col. 3, lines 49-55 (i.e., willing to talk about specific interests);

real-time is interpreted as being input (preferences) or current (what they're

currently willing to talk about) ];

   *determining a communication connection action* [bridging the two users into a

call, col. 4, lines 48-55] using said *real-time* context information for said caller [e.g.,

similar interests/hobbies (col. 3, lines 19-31) and willingness to conference/speak

about that subject (col. 3, lines 49-55); finds a match, col. 4, lines 48-49; real-time is

interpreted as being input (preferences) or current (what they're currently willing

to talk about)] and context information for said called party [e.g., similar

interests/hobbies (col. 3, lines 19-31) and willingness to conference/speak about that

subject (col. 3, lines 49-55); finds a match, col. 4, lines 48-49]

      wherein said context information for said called party comprises

         a called party connectivity [conference abilities and video capabilities,

col. 3, lines 52-60],

         a called party connection status [whether the called party is currently

active on the network, col. 4, lines 49-51], and

         at least one of corporate and personal data of said called party [Fig. 2,

Record 50 contains personal data, col. 2, lines 51-65] from at least one of

            sensors that detect at least of motion, sound, light, and pressure deployed

in spaces frequented by said called party,

            radio frequency identification readers that detect the presence of

companion devices that have been provisioned with identification numbers

associated with said called party, and at least one of

a location [**Fig. 2, address field 58, col. 3, line 16**],

activity [**status can be conversation, data acquisition, or inactive, col. 5, lines 3-5**], and

network address of at least one personal device of said called party [**Fig. 2, address field 58, col. 3, line 16**], comprising at least one of

a cellular telephone [**Fig. 2, telephone number field 60, col. 3, lines 17-18; interpreted as including cell phones**],

an office telephone [**Fig. 2, telephone number field 60, col. 3, lines 17-18; interpreted as including office phones**],

a home telephone [**Fig. 2, telephone number field 60, col. 3, lines 17-18; interpreted as including home phones**],

a laptop computer,

a desktop computer, and

an automobile,

wherein said communication connection action comprises a decision as to who should be called and to whom said user should be telephonically connected without additional input from said caller, and wherein at least one of an identification of said called party and contact information for said called party is unknown to said caller; and connecting said caller based upon said connection action *wherein said determining of said communication action is performed prior to said connecting of said caller* [**e.g., similar interests/hobbies (col. 3, lines 19-31) and willingness to conference/speak about that subject (col. 3, lines 49-55); finds a match, col. 4, lines 48-49; then bridging the two users into a call, col. 4, lines 48-55; caller does not know the**

**identity or the telephone number of the called party, col. 5, lines 61-63; the**

**connection action (who to talk to) is** *necessarily* **performed prior to connecting to the**

**caller (i.e., either (a) the situation when only two people are available to talk or (b)**

**the situation when two people have the same interests/hobbies)].**

4. With regard to claim 29, Barber et al. discloses an apparatus for use in a computer

services environment **[telephone networking service, Abstract]** said apparatus

comprising:

a receiver **[Fig. 1, networking equipment 28]** operative to receive a

communication connection request from a caller, wherein said communication

connection request does not identify a called party and only identifies said caller **[caller**

**calls into 800 or 900 number, col. 3, lines 62-66; Fig. 1; caller does not know the**

**identity or the telephone number of the called party, col. 5, lines 61-63];**

at least one processor **[Fig. 1, processor 32]** operative to route a communication

connection of said caller  based upon *real-time* context information for said caller **[e.g.,**

**similar interests/hobbies (col. 3, lines 19-31) and willingness to conference/speak**

**about that subject (col. 3, lines 49-55); finds a match, col. 4, lines 48-49; real-time is**

**interpreted as being input (preferences) or current (what they're currently willing**

**to talk about)]**  and context information for *said* called party **[e.g., similar**

**interests/hobbies (col. 3, lines 19-31) and willingness to conference/speak about that**

**subject (col. 3, lines 49-55); finds a match, col. 4, lines 48-49]**, wherein said context

information for said called party comprises

a called party connectivity [**conference abilities and video capabilities,**

**col. 3, lines 52-60**],

a called party connection status [**whether the called party is currently**

**active on the network, col. 4, lines 49-51**], and

at least one of corporate and personal data of said called party [**Fig. 2,**

**Record 50 contains personal data, col. 2, lines 51-65**] from at least one of

sensors that detect at least of motion, sound, light, and pressure deployed

in spaces frequented by said called party,

radio frequency identification readers that detect the presence of

companion devices that have been provisioned with identification numbers

associated with said called party, and

at least one of

a location [**Fig. 2, address field 58, col. 3, line 16**],

activity [**status can be conversation, data acquisition, or**

**inactive, col. 5, lines 3-5**], and

network address of at least one personal device of said called party

[**Fig. 2, address field 58, col. 3, line 16**], comprising at least one of

a cellular telephone [**Fig. 2, telephone number field 60, col. 3,**

**lines 17-18; interpreted as including cell phones**],

an office telephone [**Fig. 2, telephone number field 60, col. 3,**

**lines 17-18; interpreted as including office phones**],

a home telephone [**Fig. 2, telephone number field 60, col. 3, lines**

**17-18; interpreted as including home phones**],

a laptop computer,

a desktop computer, and

an automobile; and

use said *real-time* context information for said caller and said context information

for a called party to determine a communication connection action for connecting said

caller **[bridging the two users into a call, col. 4, lines 48-55]**, wherein said

communication connection action comprises a decision as to who should be called and to

whom said caller should be telephonically connected without additional input from said

caller; and wherein at least one of an identification of said called party and contact

information for said called party is unknown to said caller *wherein said determining of*

*said communication action is performed prior to said connecting of said caller* **[e.g.,**

**similar interests/hobbies (col. 3, lines 19-31) and willingness to conference/speak**

**about that subject (col. 3, lines 49-55); finds a match, col. 4, lines 48-49; then**

**bridging the two users into a call, col. 4, lines 48-55; caller does not know the**

**identity or the telephone number of the called party, col. 5, lines 61-63; the**

**connection action (who to talk to) is** *necessarily* **performed prior to connecting to the**

**caller (i.e., either (a) the situation when only two people are available to talk or (b)**

**the situation when two people have the same interests/hobbies)]**.


5. With regard to claim 30, Barber et al. discloses that determining a connection action is

done with rules engine **[rules such as accepting inbound calls, willingness to accept**

**group calls, or selecting only single calls, col. 3, lines 49-55]**.

6. With regard to claim 31, Barber et al. discloses using a caller's calendar to assist in determining the communication connection action **[whether or not a person is available to talk, col. 5, lines 22-31; interpreted as any calendrical time to include current availability as well as time-frames, minutes, hours, days, years]**.

7. With regard to claim 35 Barber et al. discloses using said context information for said called party to assist in determining said communication connection action comprises: using said context information for said called party comprising at least one of a called party location; called party policy; and called party availability **[e.g., similar interests/hobbies (col. 3, lines 19-31) and willingness to conference/speak about that subject (col. 3, lines 49-55); finds a match, col. 4, lines 48-49]**.

### *Response to Arguments*

8. Applicant's arguments filed July 5, 2007 have been fully considered but they are not persuasive.

9. With respect to claims 28-29, Applicants argue that Barber et al. does not determine the connection action prior to the connecting of the caller **[Applicants' Amendment dated August 9, 2007, page 16, paragraph 2]**. Applicants also state that Barber et al. cannot "start" until after the caller dials an access number or dials an access number **[Applicants' Amendment dated August 9, 2007, page 16, paragraph 2]**. Further more, Applicants state that Barber et al. fails to disclose "to determine said

communication action prior to connection to said caller **[Applicants' Amendment dated August 9, 2007, page 16, paragraph 2]**. The examiner respectfully disagrees.

10. As noted in the rejection of claims 28 and 29 above, the connection action (who to talk to) is *necessarily* performed prior to connecting to the caller (i.e., either (a) the situation when only two people are available to talk or (b) the situation when two people have the same interests/hobbies).

11. With respect to claims 28-29, Applicants state that Barber et al. fails to disclose real-time context information **[Applicants' Amendment dated August 9, 2007, page 16, paragraph 3 to page 18, paragraph 1]**. The examiner respectfully disagrees.

12. As noted in the rejection of claims 28-29 above, the broadest reasonable interpretation is real-time is being input (preferences) or current (what they're currently willing to talk about).

### *Conclusion*

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Mais whose telephone number is 572-272-3138. The examiner can normally be reached on M-Th 5am-4pm.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chan F. Wing can be reached on 571-272-7493. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.


15. Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 10, 2007

WING CHAN   9/4/07
SUPERVISORY PATENT EXAMINER